

# **EXHIBIT 9**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
3

4                   \* \* \* \* \*

5                   THE CITY OF HUNTINGTON,

6                                 Plaintiff,

7                   vs.

CIVIL ACTION

NO. 3:17-01362

8                   AMERISOURCEBERGEN DRUG  
9                   CORPORATION, et al.,  
10                                 Defendants.

11                   \_\_\_\_\_  
12                   CABELL COUNTY COMMISSION,

13                                 Plaintiff,

14                   vs.

CIVIL ACTION

NO. 3:17-01665

15                   AMERISOURCEBERGEN DRUG  
16                   CORPORATION, et al.,  
17                                 Defendants.

18                   \* \* \* \* \*

19                   Videotaped and Zoom video conference  
20                   deposition of JAMES RAFALSKI taken by the Defendants  
21                   under the Federal Rules of Civil Procedure in the  
22                   above-entitled action, pursuant to notice, before  
23                   Jennifer Vail-Kirkbride, a Registered Merit  
24                   Reporter, on the 11th day of September, 2020.

1 MR. FULLER: No, we haven't been on  
2 the record one hour and thirty --

3 THE VIDEOGRAPHER: Well, no, that's  
4 just this segment. And then I could add up what we  
5 had in the first segment.

6 Can we go off the record here?

7 MR. SCHMIDT: Yes, let's go off the  
8 record.

9 THE VIDEOGRAPHER: The time is  
10 12:22. We are going off the record.

11 (Recess at 12:22 P.M. until 1:15 P.M.)

12 THE VIDEOGRAPHER: The time is  
13 1:16. We're back on the record.

14 BY MR. SCHMIDT:

15 Q. Sir, your report discusses something  
16 referred to as the Oxy Express, which is this idea  
17 that people brought prescription opioids from  
18 Florida to West Virginia; correct?

19 A. Yes, sir.

20 Q. And that's drug-trafficking organizations  
21 were involved in bringing drugs from Florida to West  
22 Virginia; correct?

23 A. Uhm, I think I would expand that  
24 definition a little bit. I -- I don't know -- so to

1 me drug-trafficking organizations would be an  
2 organization, something organized. I think it was  
3 also trafficked by just individuals.

4 Q. Okay. So individuals and drug traffickers  
5 were involved in bringing prescription opioids from  
6 Florida to West Virginia?

7 A. Yes, sir, and other locations, not  
8 exclusively.

9 Q. Sure, sure. That was criminal activity;  
10 right?

11 A. Yes, sir.

12 Q. And you're aware drug-trafficking  
13 organizations would do things like, pay travel  
14 expenses for individuals to pose -- to travel to  
15 Florida and pose as patients to get prescription  
16 opioids?

17 A. I'm not saying that that didn't occur. I  
18 don't know that I would agree that that was one of  
19 the main inducements for that. I think sometimes  
20 keeping some of the drugs was also, so -- but it is  
21 one of the things that would occur.

22 Q. They would pay for fake medical records so  
23 people could get prescription opioids; correct?

24 A. I'm not aware of that, but I don't dispute